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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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| 09/698,260 | 10/30/2000 | Tusyoshi Kawabe | 500.39242X00 | 6660 |

24956 7590 11/30/2005

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| EXAMINER |
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HANNE, SARA M

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| ART UNIT | PAPER NUMBER |
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2179

DATE MAILED: 11/30/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

| | | | |
|------------------------------|-------------------------------|-------------------------------|--|
| Office Action Summary | Application No. 09/698,260 | Applicant(s) KAWABE ET AL. | |
| | Examiner Sara M. Hanne | Art Unit 2179 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 09 September 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 2 and 31-38 is/are pending in the application.
- 4a) Of the above claim(s) 33,34,37 and 38 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 2,31,32,35 and 36 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date <u>4/29/05</u> | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Election/Restrictions

1. Applicant's election without traverse of Group 1, Claims 2, 31, 32, 35 and 36 in the reply filed on 9/9/05 is acknowledged.
2. Claims 33, 34, 37 and 38 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected invention, there being no allowable generic or linking claim. The applicant is reminded to cancel these nonelected claims of Group II.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.
4. Claim 2 rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 2 recites the limitation "said commands" in lines 1-2. There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States

only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

6. Claims 2, 31, 32, 35 and 36 are rejected under 35 U.S.C. 102(e) as being anticipated by Merrill et al., US Patent 6369821.

As in Claims 31, Merrill teaches a method comprising the steps of designating a computer graphics object in a moving image (Col. 2, lines 7-45) displayed on a display unit ("right-clicking the mouse button while the cursor is positioned over the character", Col. 24, line 67 – Col. 25, line 1), displaying a command relating to the designated CG object at the time of designating the CG object (Col. 25, line 2 et seq.) and executing the command relating to the CG object, thereby causing an editing operation on the moving image to be conducted (Col. 26, lines 20 et seq.).

As in Claims 2, Merrill teaches displaying modification, change, addition and deletion on display, selecting one of modification, change, addition and deletion ("Add, Insert, Remove, RemoveAll", Col. 26, line 60 et seq.), displaying third commands comprised of setting items including camera, superimposition, sound, mixer, narration and studio set-up by selecting one of modification, change, addition and deletion, and designating one of the third commands in a display window and executing the designated command for the predetermined CG object (Col. 26, line 60 et seq.).

As in Claim 32 and 36, Merrill teaches the displayed command is shown in a list displayed on the display unit, the list showing commands relating to the object arranged in the order of occurrence from the time of designating the CG object and after that time (commands are presented in the order in which they were created for the program).

As in Claim 35, Merrill teaches an apparatus comprising a CG animation generating unit coupled to a display unit for generating an image (Fig. 1, and corresponding text), a recording unit for recording an image generated in the CG animation generating unit (Figure 12. Scripting Engine 506 and corresponding text), a control unit for controlling the display, CG animation generating unit and the recording unit, the control unit includes means for designating a CG object in an image displayed on a display unit ("right-clicking the mouse button while the cursor is positioned over the character", Col. 24, line 67 et seq.), displaying a command relating to the designated CG object at the time of designating the CG object (Col. 25, line 2 et seq.), and means for executing the command relating to the CG object, thereby causing an editing operation on the moving image (See Claim 33 rejection *supra*).

Response to Arguments

Applicant's arguments filed 9/9/05 have been fully considered but they are not persuasive.

In response to the applicant's arguments that Merrill fails to teach editing a moving image displayed on a display unit, the examiner disagrees. Merrill clearly teaches several animations moving throughout the screen (Col. 1, lines 19-25, Col. 2, lines 28-44, Col. 26, lines 1-2).

In response to the applicant's request for the examiner to consider the IDS, the examiner notes that the reference: "Man-Machine Interface for TV program Making Language (TVML)" has not been received, and therefore that specific reference has not been considered at this time.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sara M. Hanne whose telephone number is (571) 272-4135. The examiner can normally be reached on M-F 7:30am-4:00pm, off on alternating Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, WEILUN LO can be reached on (571) 272-4847. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

smh


BA HUYNH
PRIMARY EXAMINER